

**FREEDOM OF INFORMATION COMMISSION STATEMENT
IN OPPOSITION TO RB 456,
AN ACT ADOPTING THE NATIONAL ASSOCIATION OF INSURANCE
COMMISSIONERS' INTERSTATE INSURANCE PRODUCT REGULATION
COMPACT**

The stated purpose of this bill is to adopt the National Association of Insurance Commissioners' Interstate Insurance Product Regulation Compact (Compact). The Compact is a multi-state agreement that creates a national public authority to receive, review, and make regulatory decisions on insurance product filings according to national uniform standards that the participating states develop and adopt. While the purpose may be a worthy one, this bill is troubling.

The FOIC objects to this bill, insofar as it thwarts existing government access contained in the FOI Act.

Article VIII. Commission Records and Enforcement (lines 470-472) of RB 456 states that the Commission (the "Interstate Insurance Product Regulation Commission") shall promulgate rules establishing conditions and procedures for public inspection and copying of its official records. A review of the current conditions and procedures reveals that they are highly contrary in numerous instances to the rules embodied in the Connecticut Freedom of Information ("FOI") Act.

Listed below are examples (not an exhaustive list) of how the conditions and procedures concerning access to, and disclosure of records held by the commission significantly and negatively differ from the FOI Act:

- The conditions and procedures may be changed at any time without legislative action - the Commission gets to make up their own rules concerning access and disclosure. The FOI Act sets forth statutory rules that can only be changed by legislative action.
- Public Record is defined MUCH more narrowly in the conditions and procedures than in the FOI Act (See Conn. Gen. Stat. Section 1-200(5), G.S.)
- There are three records definitions in the conditions and procedures: "official record", "public record" and "record" rather than one cohesive definition as contained in the FOI Act.
- Under the conditions and procedures, the Commission can charge costs for simply locating and copying public records, postage, redaction costs and computer time, among other things. In the FOI Act, the fees are clearly delineated and do not include search and retrieval costs, postage, computer time, etc.
- There are numerous generalized and broad categories of information that are NOT public under the conditions and procedures (e.g., Sec. 103(b)(6)(ii) Any records subject to an

applicable privilege against disclosure), whereas under the FOI Act the general rule is disclosure NOT confidentiality. Also, exceptions to disclosure are NARROWLY construed in the FOI Act versus the BROAD construction set forth in the Commission's conditions and procedures.

- Requests for records must be in writing and cannot be submitted electronically under the conditions and procedures. The FOI Act permits both oral and electronic requests.
- Time periods for providing access are longer (10 days) under the rules. The FOI Act standard is prompt access, which depending on the circumstances and nature of the request involved, may mean immediate access or a lengthy period of time.
- Any requestor wishing to appeal a denial of access to a record must appeal to the Custodian of Records (an employee of the Commission) and then to an Appeals Committee (appointed by the Commission and consists of members of the Commission. Only thereafter, can a requester seek independent judicial review. Under the FOI Act, an independent body reviews appeals.

From an access standpoint, this bill strikes at the very heart of the Freedom of Information Commission ("FOI") Act, which is aimed at ensuring public access to government records.

The FOI Commission urges rejection of this bill.

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